



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, September 11, 2017
Council Chambers, City Hall, 6:30 PM**

His Worship Mayor Walter Sendzik takes the Chair and opens the meeting

Page

- 1. Mayor's Report**
- 2. Adoption of the Agendas**
- 3. Adoption of the Minutes (Council, General Committee and Budget Standing Committee)**

3.1 [Regular Meeting of Council, Minutes of August 21, 2017](#)

3.2 [General Committee, Minutes of August 21, 2017](#)

3.3 [Budget Standing Committee, Minutes of June 19, 2017](#)

- 4. Declarations of Interest**

- 5. Public Meetings Pursuant to Planning Act**

- 5.1 Planning and Building Services, Planning Services
Planning Act Public Meeting - Information Report
Existing Lots of Record - Transition Clause

- 6. Delegations**

- 7. Presentations**

- 8. Call for Notices of Motion**

- 9. Motions**

9.1 **Facer District Revitalization Partnership Fund**

(At the meeting of August 21, 2017 Councillor Britton provided notice of the following motion)

That Council approve the establishment of a \$10,000 Facer District Revitalization Partnership Fund; and

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That the fund be accessed by community groups and private organizations doing volunteer/improvements/restorations to the public realm of the Facer District; and

That funding will be based on the City matching, dollar-for-dollar, any financial contribution from said community group/private organization doing the above mentioned work in the Facer District (up to a total of \$10,000 limit); and

Further, that the funds come from the Civic Project Fund. FORTHWITH

9.2 Ontario Street Bike Lanes

(Councillor Siscoe will present the following motion)

WHEREAS Ontario Street is a major urban artery through the City of St. Catharines, connecting to major roadways and highway systems and into downtown; and

WHEREAS Ontario Street is a Regional Road, owned and maintained by the Niagara Region; and

WHEREAS Niagara Regional Council recently approved a Transportation Master Plan with a focus on complete streets, active transportation and integrated transportation networks; and

WHEREAS the Niagara Region recently completed rehabilitation of Ontario Street without installing bike lanes; and

WHEREAS the City of St. Catharines is embarking on a Transportation Master Plan that will connect all forms of transportation;

THEREFORE BE IT RESOLVED That the City of St. Catharines request that the Niagara Region add on-street bike lanes on Ontario Street between Carlton Street and Lake Street. FORTHWITH

10. Resolve into General Committee

11. Motion Arising from In-Camera Session

12. Motion to Ratify Forthwith Recommendations

13. By-laws

13.1 Reading of By-laws

14. Agencies, Boards, Committee Reports

14.1 Minutes to Receive:

- [Economic Sustainability Committee, July 27, 2017 Draft](#)
- [Social Sustainability Committee, August 3, 2017 Draft](#)
- Green Advisory Committee, [April 19, 2017 Draft](#), [May 17, 2017 Draft](#), [June 21, 2017 Draft](#), [July 19, 2017 Draft](#)
- [St. Catharines Heritage Permit Advisory Committee, July 27, 2017](#)
- [Town & Gown Advisory Committee, June 15, 2017](#)
- Public Art Advisory Committee, [August 22, 2017](#)

15. Adjournment



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: August 24, 2017

Date of Meeting: September 11, 2017

Report Number: PBS-213-2017

File: 60.35.1028

Subject: *Planning Act Public Meeting - Information Report*
Existing Lots of Record – Transition Clause

Recommendation

That Council receive this report for information purposes; and

That Council consider whether to approve an amendment to Zoning By-law 2013-283 to remove Section 2.15.1.1, the Existing Lots of Record Transition clause, at the meeting of Council on October 16, 2017, after the Public Meeting on September 11, 2017.

Summary

This Information Report is to provide Council and the public with information concerning a proposed amendment to Zoning By-law 2013-283, to delete in its entirety Section 2.15.1.1 (the Existing Lots Transition clause) thereby permitting only detached dwellings on existing lots of record without the minimum lot area and lot frontage required by the Zoning By-law.

This amendment is to be considered at a Public Meeting scheduled for September 11, 2017. This Information Report provides an overview of the application, a summary of applicable planning policies and circulation comments. A Recommendation Report containing planning analysis, addressing any outstanding concerns raised at the Public Meeting, and providing staff analysis and a recommendation will be considered by Council at its October 16, 2017, meeting.

Background

On May 8, 2017, Council approved a 2-step process for planning applications requiring a Public Meeting in accordance with the Planning Act. The first step is for an Information Report to be presented to Council on the date of the Public Meeting when public input will be gathered. The second step is for Council to consider a Recommendation Report at a subsequent Council meeting.

This report is the Information Report followed by a Recommendation Report on October 16, 2017.

On June 13, 2016, Council approved, as part of a housekeeping amendment to the Zoning By-law, Section 2.15.1.1 allowing all permitted residential dwelling types within the applicable residential zone, for a transition period of 3 years ending December 21, 2019, for all existing properties without the minimum lot area and minimum lot frontage required by the Zoning By-law (By-law 2013-283).

This transition period has permitted a number of lots to be overdeveloped with dwelling types and built forms that are considered by staff to be incompatible with the established residential neighbourhoods.

At its Council meeting of May 8, 2017, Council discussed the issue of development on undersized lots while debating the residential infill Zoning By-law Amendment and impact new development has had on existing neighbourhoods. Council directed staff to undertake an amendment to the Zoning By-law, to delete in its entirety Section 2.15.1.1 (the Existing Lot Transition clause) thereby permitting only detached dwellings on existing lots without the minimum lot area and lot frontage required by the Zoning By-law.

Now, Section 2.15.1.1 states that:

Despite Section 2.15.1 above, this By-law does not prevent the issuance of a building permit on a lot held in separate ownership from adjoining parcels on the date of the passing of this By-law or a lot as shown on any plan of subdivision registered prior to the passing of this By-law, that is not in compliance with the minimum lot frontage and/or minimum lot area requirements of this By-law, for any purpose permitted in this By-law in the zone applicable for that lot, provided that all other provisions in this By-law are met, and where a complete application for building permit was received on or before December 31, 2019.

Should the proposed amendment be approved, this section would be deleted in its entirety.

Circulation of Application

The application was circulated to all relevant departments and agencies in accordance with the Planning Act. No negative comments or concerns were received.

Planning Context

Provincial and Regional Policy Context

Pursuant to Provincial legislation, the City's Official Plan, and Zoning By-law, must be consistent with Provincial and Regional growth targets, and the growth management policies established through the Provincial Policy Statement (PPS), Places to Grow (P2G) Plan, Greenbelt Plan (GB) and the Niagara Escarpment Plan (NEP).

Combined, Provincial land use plans emphasize accommodation of growth through mixed use, and land, service and cost efficient development and intensification of the built environment.

Limiting the development of undersized lots to detached dwellings will not compromise the City's ability to maintain density and development forecasts since these lots already are included in density calculations. In fact, the proposed zoning amendment will likely ensure the possibility that development of these lots will occur in a compatible manner.

Official Plan Designation (Garden City Plan)

The City's Official Plan establishes a land use planning framework to accommodate future population, housing and employment growth and development in keeping with the direction of Provincial land use policy. The policies have regard for the local context and contribute to sustainable community building. The growth management policies contained in the Official Plan also support and emphasize that development and intensification of the built environment is to be balanced with enhanced urban design to support compatible integration of new development with existing uses.

The Official Plan recognizes that intensification, where appropriate, will generate a greater mix and integration of new, different and alternative uses and building forms within the established environment (Section 2.3.3). In doing so, the existing policy framework is significantly predicated on providing a balance through enhanced urban design policies and principles in support of compatible and context sensitive design.

Section 4 of the Garden City Plan emphasizes the role urban design plays in shaping communities. The urban design principles in Section 4.1 highlight the need for compatibility of new development with established areas. Section 4.5 – Built Form enforces the importance of urban design in ensuring compatibility between new development and existing uses. As a basis for evaluating compatibility, the plan notes building scale, height, massing and space between buildings (Section 4.5.1).

The proposed amendment to the Zoning By-law serves to implement these Official Plan policies by placing more emphasis on context sensitive design and achieving a better fit between new and existing development.

Zoning

An existing lot of record, set out by Section 2.15.1.1 of the Zoning By law is a lot created prior to the passing of Zoning By-law (December 13, 2013) which does not meet the minimum lot frontage and / or the minimum lot area regulations of the Zoning By-law. These minimum requirements are summarized in **Table 1** below.

Table 1 – Existing Lot Requirements (Detached Dwelling)

Zone	Minimum Lot Frontage	Minimum Lot Area
R1	15m (16.5m)*	400 sqm
R2	9m (10.5m)*	300 sqm

*Residential infill zoning by-law amendment under appeal

Table 2 – Existing Lot Requirements (Semi-Detached Dwelling)

Zone	Minimum Lot Frontage	Minimum Lot Area
R1	11m (12m)* per unit	370 sqm per unit
R2	7.5m per unit	280 sqm per unit

*Residential infill zoning by-law amendment under appeal

Section 2.15.1.1 of the By-law permits these properties to be used for any residential dwelling type permitted in that zone, provided, all other provisions of the By-law are met.

Within the R1 zone, there are 5,549 lots with less than 15m frontage and 1,979 lots with less than 400 square metres of lot area. Under the current Zoning By-law, detached, semi-detached, quadruplex, townhouse, private road development uses are permitted, provided all other provisions of the By-law can be satisfied.

Within the R2 zone there are 563 lots with less than 9m frontage and 1998 lots with less than 300 square metres of lot area. Under the by-law, detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse, private road development provided all other provisions of the By-law can be satisfied.

Should this proposed amendment be approved, only detached dwellings would be permitted, as of right, on existing undersized lots. Multiple dwelling unit types would no longer be permitted.

Undersized existing lots of record include both vacant properties and developed properties which may be re-developed in the future.

Since the By-law has come into effect a number of complaints from the public have been received with respect to development permitted by the existing lot of record section of the Zoning By-law. Staff have reviewed these developments and assessed the impacts of zoning regulations on existing undersized lots. A selection of developments constructed on existing lots of record are included in Appendices 1-5. Typically, these developments are constructed to the full extent of the By-law permissions, meeting the minimum setbacks and maximizing height permissions at 11 metres. As the photos in the Appendices show, new development on existing undersized lots may exhibit the following characteristics, based on current regulations for undersized lots:

- Dwellings that are out of proportion compared to lot size
- Dwellings that maximize the 11.0 metre height limit on lots that are undersized compared to the minimum lot area and lot frontage otherwise required by the applicable zoning
- Lot frontages that appear monopolized by driveways and front yard parking, leaving an inappropriate amount of front yard open space

The resulting dwellings appear out of place and tend not to reflect the established building character of the street and neighbourhood.

The construction of semi-detached dwellings, and subsequent severance after construction, triggers additional variances, and often leaves limited amenity space. Requests for a severance and associated minor variances once the semi-detached dwelling is under construction, leave limited room for public input and planning analysis since the building permit has already been issued and construction that is underway.

Staff note that a Residential Infill Zoning By-law was approved by Council on May 8, 2017, but is under appeal. The Ontario Municipal Board has not yet set a date for the hearing. If approved as recommended by staff, the subject amending by-law would increase the respective lot frontage requirements as identified in Table 1 above. The amendment additionally introduces a number of amendments which are intended to improve compatibility between existing neighborhoods and new development. The maximum building height for all uses within the R1 and R2 zone is reduced from 11 metres to 9.5 metres thereby limiting development to two storeys. Minimum Landscaped Open Space is increased from 25% to 35% and a maximum lot coverage of 45% is introduced for both Zones. Side yards are proposed to increase with additional building height and the yard definitions on corner lots are proposed to be amended to reflect the function of the lot and provide clarity for future severances. The intent of these amendments is for infill development to be more compatible with existing neighbourhoods, however, some multi-unit residential development may be precluded on some existing undersized lots.

With the approval of this proposed amendment to the Zoning By-law only detached dwellings would be permitted on existing lots of record with reduced lot area and lot frontage, provided that they are able to meet all other setbacks and provisions of the relevant zone.

Public Open House

A public open house was hosted by Planning and Building Services on August 16, 2017. The purpose of the open house was to present the proposal and afford an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. Six members of the public attended. Comments received are summarized below, with corresponding staff responses.

Comment: Will the proposed amendment require more public consultation?

Response: If approved, the proposed amendment will limit the as of right permission on existing undersized lots to the construction of a detached dwelling, provided all other sections of the Zoning By-law can be met. Development of a site in this manner will still only require a building permit. If development does not comply with all provisions of the By-law, or proposes a use other than a detached dwelling, a Minor Variance or zoning amendment and associated public process under the Planning Act will be required prior to consideration for approval.

Comment: Property owners were told they had until 2019 to build on undersized lots. It is unfair to change the rules when properties were purchased based on their zoning.

Response: Zoning throughout the City is subject to change, subject to public processes required by the Planning Act. To date, staff have not received any objections or concerns in relation to the future development of any specific properties.

Comment: What transition policies will be put in place to protect current developments currently underway?

Response: Existing lawfully established uses on undersized lots will continue to be permitted. New applications for building permits must comply with the By-laws in effect at the time of receipt of a complete application. No grandfathering clause is proposed.

Comment: Will a minor variance still be an option for undersized lots?

Response: Yes. The minor variance process provides an opportunity for staff and the public to review proposals on a site specific and proposal specific basis.

Comment: Residents are not opposed to development, or infill. Residents just want compatible development.

In addition to comments received at the Open House, one letter of correspondence has been received. This letter is supportive of the proposed amendment noting that the existing lot of record clause has led to some examples of development that is not compatible with surrounding neighborhoods. The letter highlights the need for infill development which is compatible and respects the character of the surrounding neighbourhood.

Public Notice

In accordance with established procedures, notices for the public meeting have been circulated. Notice was published in the St. Catharines Standard on Thursday, July 27, 2017, and posted on the City's web site. Notice was additionally e-mailed to contacts who have been involved in the Residential Infill and Intensification Development Review.

Financial Implications

There are no direct financial impacts to the City. There are, however, potential financial impacts to certain land owners who purchased existing undersized lots based on zoning permissions at the time. The proposed amendment, if approved, would restrict the range of dwelling types on existing undersized lots to a detached dwelling, provided all other zoning provisions can be met.

Relationship to Strategic Plan

The amendment to the Zoning By-law supports Goal 1 of the Strategic Plan to attract appropriate public and private investment.

Conclusion

In summary, this report provides the planning context and explains information concerning the proposed amendment to the Zoning By-law to delete in its entirety Section 2.15.1.1 (the Existing Lots Transition clause) thereby permitting only detached dwellings on existing lots without the minimum lot area and lot frontage required by the Zoning By-law. This Information Report provides an overview of the application, and a summary of applicable planning policies and circulation comments that is to be presented at a Public Meeting of Council on September 11, 2017. A Recommendation Report containing planning analysis, addressing any outstanding concerns raised at the Public Meeting, and providing a staff recommendation is scheduled to be considered by Council at its October 16, 2017 meeting.

Prepared by:

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Planner I

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Manager of Planning Services

Approved by:

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Director of Planning and Building Services

1

Existing Lot of Record – R1 Zone, St. Andrew's Ward



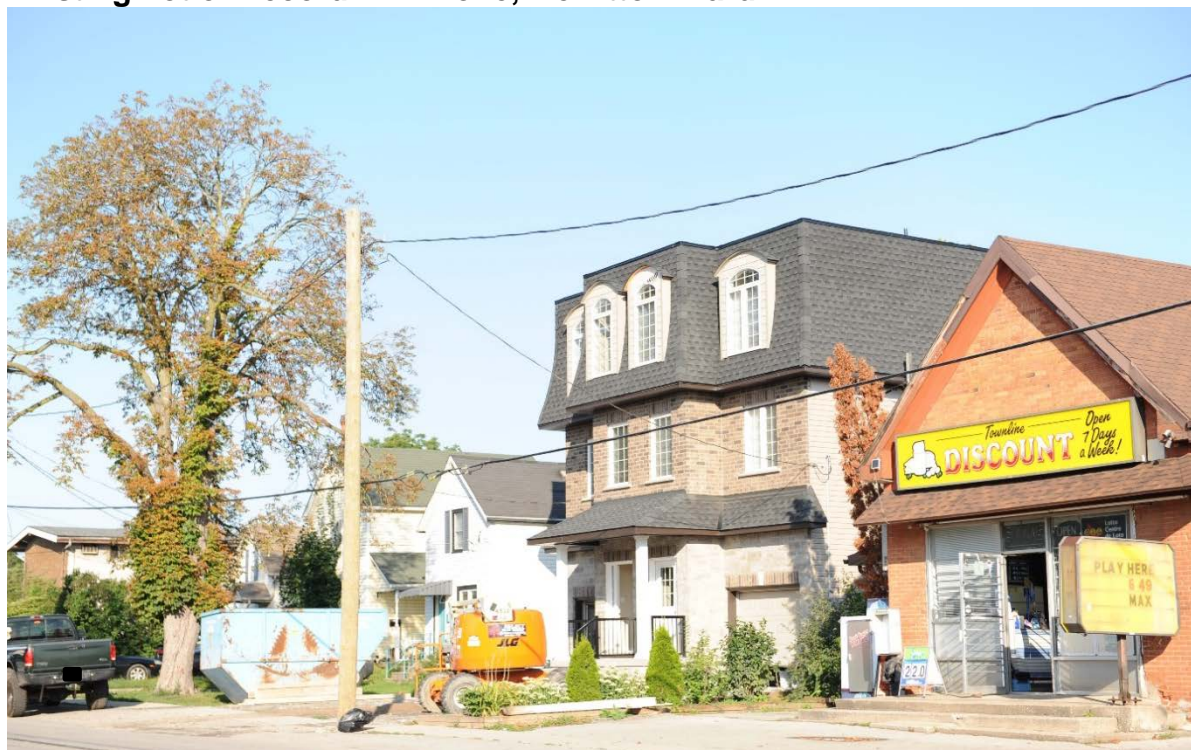
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Existing Lot of Record – R1 Zone, St. Andrew's Ward



3

Existing Lot of Record – R2 Zone, Merritton Ward



4

Existing Lot of Record – R2 Zone, Merritton Ward



5

Existing Lot of Record – R2 Zone, Merritton Ward



By-laws to be considered Monday, September 11, 2017

- (a) A By-law to authorize a tender award to Brock Ford Sales Inc. (One reading - with respect to RFT 17-31, Two (2) Trucks with Dump Bodies - one (1) 1-Ton and one (1) 3-Ton. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a tender award to Strongco Limited Partnership. (One reading - with respect to RFT 17-35, Backhoe Loader. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to authorize the acceptance of a conveyance of certain lands from Pasquale Salituro and Marie Jekinsjan for the widening of Merritt Street. (One reading - with respect to condition of severance B-20/17SC - 72 Merritt Street. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to authorize the release of agreement over certain lands municipally known as 580 Welland Avenue. (One reading - with respect to release of Site Plan Agreement. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to amend By-law No. 89-304 entitled "A By-law to designate private roadways as fire routes along which no parking of vehicles is permitted." (One reading - with respect to 1061 Vansickle Road N. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to amend By-law No. 89-304 entitled "A By-law to designate private roadways as fire routes along which no parking of vehicles is permitted." (One reading - with respect to 84 Henry Street. Delegation By-law No. 2004-277, as amended.)
- (g) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads." (One reading - with respect to parking prohibition on Harcove Street, Thompson Avenue and Youngblut Avenue. Delegation By-law No. 2004-277, as amended.)
- (h) A By-law to amend By-law No. 2014-169 entitled "A By-law to appoint a Chief Building Official and Inspectors under the Ontario Building Code Act, 1992." (One reading - with respect to updating list of appointed Inspectors. Delegation By-law 2004-277, as amended.)
- (i) A By-law to designate the property at 333 Main Street to be of cultural heritage value or interest. (One reading - with respect to 333 Main Street. General Committee, June 26, 2017, Item No. 3.3.)
- (j) A By-law to amend By-law No. 2004-277 entitled "A By-law to authorize delegation of certain matters to staff." (One reading - with respect to approval of sponsorship and advertising agreements pursuant to the Sponsorship and Advertising Policy. To be considered by General Committee, September 11, 2017.)

- (k) A By-law to authorize an agreement with Shoreplan Engineering Limited. (One reading - with respect to professional engineering services for permanent shoreline protection on City-owned shoreline land located behind #14 to #8 Shore Boulevard, under Project P17-132-1 - Emergency Shoreline Protection. To be considered by General Committee, September 11, 2017.)
- (l) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads." (One reading - with respect to installation of stop control in various locations. To be considered by General Committee, September 11, 2017.)
- (m) A By-law to amend By-law No. 2004-277 entitled "A By-law to authorize delegation of certain matters to staff." (One reading - with respect to stop and yield control on city roadways and implementation and removal of various parking-related prohibitions on city roadways. To be considered by General Committee, September 11, 2017.)
- (n) A By-law to confirm the proceedings of council at its meeting held on the 11th day of September, 2017. (One reading - with respect to confirming the proceedings of the meeting held on September 11, 2017.)